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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/626,483	07/24/2003	Amit Bagga	502078-A-01-US (Bagga)	1291

7590 11/01/2006

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EXAMINER

HOMAYOUNMEHR, FARID

ART UNIT PAPER NUMBER

2132

DATE MAILED: 11/01/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/626,483

Applicant(s)

BAGGA ET AL.

Examiner

Farid Homayounmehr

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 24 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-32 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- ☐ Notice of Informal Patent Application
- ☐ Other: \_\_\_\_\_.

**DETAILED ACTION**

Claims **1-32** have been examined.

**Information Disclosure Statement PTO-1449**

1. No Information Disclosure Statement was submitted by the applicant.

***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 9 and 10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The term "qualitatively correlated" in claim 9, and "quantitatively correlated" in claim "10" are relative terms which render the claim indefinite. The term "qualitatively/quantitatively correlated " is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention.

***Claim Rejections - 35 USC § 101***

4. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1-32 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claims 1-32 do not require any physical transformation and the invention as claimed does not produce a tangible result. Although the claim language includes a method or apparatus for user authentication, the claim limitations are not directed to a user authentication, and the result merely presents a set of questions to the user, which is not a tangible result.

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1-32 are rejected under 35 U.S.C. 102(e) as being anticipated by Honarvar et al. (US Patent Application Publication No. 2003/0154406, filed 8/21/2002)

6.1. As per claim 1, Honarvar is directed to a method for authenticating a user (abstract), comprising: obtaining an asserted identity of said user (parag. [105]); obtaining a random subset of questions that said user has previously answered (parag. [15] and Fig. 17, item 1730 and associated text indicates how Honarvar teaches using a

random subset of questions for authentication validation), wherein a correlation between said user and said previously answered questions does not violate one or more predefined correlation rules (parag 21 teaches choosing questions based parameters specific to the user, and therefore shows questions are selected based on how they correlate to the user); and presenting one or more questions to said user from said random subset of questions (Fig. 30 and associated text (parag. [217])) until a predefined security threshold is satisfied (per parag. [21], points are assigned to each group of questions, which is used to determine the threshold).

6.2. As per claim 2, Honarvar is directed to the method of claim 1, wherein said predefined security threshold is based on a sum of security weights of correctly answered questions (parag. [21]).

6.3. As per claim 3, Honarvar is directed to the method of claim 1, wherein one or more of said questions are directed to an opinion of said user (for example parag 27, where the question for the user is to identify the best known food).

6.4. As per claim 4, Honarvar is directed to the method of claim 1, wherein one or more of said questions are directed to a trivial fact (parag. 24, where the questions are trivial to the user).

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6.5. As per claim 5, Honarvar is directed to the method of claim 1, wherein one or more of said questions are directed to an indirect fact (parag 25, where the questions include options in the user's first car or private and public information).

6.6. As per claim 6, Honarvar is directed to the method of claim 1, further comprising the step of presenting said user with a larger pool of potential questions for selection of one or more questions to answer (Fig. 12, items 1205 and 1210 and their associated text).

6.7. As per claim 7, Honarvar is directed to the method of claim 6, further comprising the step of ensuring that said questions selected by said user meet predefined criteria for topic distribution (parag 21. Also see Fig. 12 item 1225 and associated text, where the group of questions are selected and weighted).

6.8. As per claim 8, Honarvar is directed to the method of claim 6, wherein said larger pool of potential questions are selected to be attack resistant (per parag 41, user authentication involves detecting fraud, which makes it attack resistant).

6.9. As per claim 9 and 10, Honarvar is directed to the method of claim 1, wherein said one or more predefined correlation rules ensure that answers to user selected questions cannot be qualitatively/quantitatively correlated with said user (parag. 20

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teaches using context sensitive questions, which eliminates qualitative or quantitative correlation with the user).

6.10. As per claim 11, Honarvar is directed to the method of claim 1, further comprising the step of requiring said user to have a second factor (parag. 104, where the authentication is based on a combination of three factors of what user knows, what user has, and what user is).

6.11. As per claim 12, Honarvar is directed to the method of claim 11, wherein said second factor is a required possession of a given device (parag 105).

6.12. As per claim 13, Honarvar is directed to the method of claim 11, wherein said second factor is a required personal identification number (parag 105).

6.13. As per claim 14, Honarvar is directed to the method of claim 11, wherein said second factor is a computer file, wallet card, or piece of paper on which is written the user's selected questions and corresponding question indices (paragraph 238 indicates that the user is requested to check the answer to questions, such as the credit card number, by verifying the document at user's position).

6.14. Claim 15 is identical to claim 14.

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6.15. As per claim 16, Honarvar is directed to the method of claim 1, wherein said questions from said random subset of questions are presented to said user in a random order (Fig. 17, item 1730 allows random presentation of questions to the user).

6.16. As per claim 17, Honarvar is directed to the method of claim 1, wherein said questions are presented to said user in the form of an index identifying each question (Fig. 35, item 3520 indicates the attributes of the question and answers, including a question ID).

6.17. As per claim 18, Honarvar is directed to the method of claim 1, wherein answers to said questions are received from said user in the form of an index identifying each answer (user answers are counted in the scoring process to determine authentication as described in paragraphs 235-240. The system assigns the score based on user's answer. Therefore, the system must use an indexing criteria to identify each answer in order to determine the points assigned to each answer).

6.18. As per claim 19, Honarvar is directed to the method of claim 16, wherein said index identifying each answer can be aggregated to form a password (see response to claim 18, and note that the aggregation of user answers determines whether the authentication scoring requirements are met or not. Therefore Honarvar teaches how an aggregate of answer indices can be used to determine passing or failing).



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6.19. As per claim 20, Honarvar is directed to the method of claim 16, wherein a portion of each answer can be aggregated to form a password (see response to claim 19, and note that the index to an answer could be a portion of the answer).

6.20. As per claim 21, Honarvar is directed to the method of claim 1, further comprising the step of storing an indication of said subset of questions on a device (the set of subset of questions is stored on the authentication engine, which is a device).

6.21. Limitations of claims 22-32 are substantially the same as claims 1-21 above.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Farid Homayounmehr whose telephone number is 571 272 3739. The examiner can normally be reached on 9 hrs Mon-Fri, off Monday biweekly.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gilberto Barron can be reached on (571) 272-3799. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published

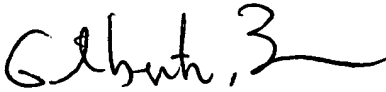
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applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Farid Homayounmehr

Examiner

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